

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BAYOU CITY WATERKEEPER
Plaintiff

v.

CITY OF HOUSTON
Defendant

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CIVIL ACTION NO. 4:18-cv-03369

**DEFENDANT CITY OF HOUSTON'S
UNOPPOSED MOTION TO EXTEND DISCOVERY STAY**

Defendant City of Houston (the “City”) requests that this Court extend the current stay of discovery an additional three months to January 31, 2020. Plaintiff Bayou City Waterkeeper does not oppose this request.

In its June 7, 2019 Order, this Court stayed discovery until October 31, 2019, because of the pending settlement in the related lawsuit filed against the City by the United States of America and the State of Texas: *United States v. City of Houston*, No. 4:18-CV-3368 (S.D. Tex.) (the “United States’ Lawsuit”).¹ This Court stated that “[a]fter October 31st, if a settlement is still not finalized and approved, the Court will consider a renewed motion to stay.” *Id.*

The United States and Texas have formally lodged the Consent Decree containing the terms of the settlement in the United States’ Lawsuit. Doc. 27. As part of the settlement-approval process in the United States’ Lawsuit, the United States and the State of Texas have provided the required public notice and opportunity for public comment. 28 C.F.R. § 50.7; TEX. WATER CODE § 7.110. The United States published information regarding the settlement in the Federal Register on September 3, 2019, with the comment period concluding on October 3, 2019. 84 FED. REGISTER

¹ See Doc. 26. The United States’ Lawsuit was previously in Judge Werlein’s court. On October 23, 2019, the United States’ Lawsuit was transferred to Judge Eskridge’s court. See Doc. 41 in the United States’ Lawsuit.

46,049 (Sep. 3, 2019). On October 9, 2019, the United States extended the comment period to until November 8, 2019. 84 FED. REGISTER 54,181 (Oct. 9, 2019). After the comment periods close, the United States and Texas will evaluate any comments received and will then request Judge Eskridge “to take appropriate action regarding the Consent Decree.” *See* Doc. 40 in United States’ Lawsuit at 2. Because the public comment period for the settlement has been extended until after the expiration of this Court’s discovery stay, an extension of the discovery stay will ensure that the United States and the State have sufficient time to review and address comments regarding the settlement.

The City, therefore, requests that this Court extend the current stay on discovery an additional three months, which would be until January 31, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2019, a copy of the above document was served on all counsel of record via the Court's electronic filing system.

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CERTIFICATE OF CONFERENCE

I hereby certify that on October 31, 2019, I conferred with Plaintiff Bayou City Waterkeeper's counsel Lauren Ice, who informed me that Plaintiff Bayou City Waterkeeper does not oppose the Court granting the relief requested in this motion.

/s/ David George
David George